BILL NO. S-90-01-08

SPECIAL ORDINANCE NO. S-Withdrawn

AN ORDINANCE approving the awarding of Reference #1398 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **DEEDS EQUIPMENT COMPANY, INC.** for the Street Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1398 between the City of Fort Wayne, by and through its Department of Purchasing and **DEEDS EQUIPMENT COMPANY, INC.** for the Street Department, respectfully for:

the rental of a roller and trailer during 1990 for the Street Department;

involving a total cost of Eleven Thousand Six Hundred Ninety-Four and no/100+/- Dollars ($11,694.00+/-), all as more particularly set forth in said Reference #1398 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry
Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

REF. NO.:	1398
DEPT.:	STREET DEPT
DATE:	12/26/89
ITEM/SERV.:	RENTAL OF ROLLER/TRAILER

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	10/27/89 & 11/3/89
OPENING DATE:	11/20/89
WRITTEN QUOTE:	
DUE DATE:	
VERBAL QUOTE:	
SINGLE SOURCE:	
NO. OF VENDORS NOTIFIED:	9
NO. OF VENDORS RECEIVING BID:	5
NO. OF VENDORS RETURNING BID:	3
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	6
DATE SENT TO DEPT FOR RECOMM.:	11/21/89
DATE RECOMMENDATION REC'D IN PURCH:	12/20/89

COUNCIL INFORMATION	DATES SENT	EXTENSION DATES
DATE INFO SENT TO LAW DEPT.:	12/26/89	
INTRODUCTION DATE:	1/9/90	
DISCUSSION DATE:	1/16/90	
PASSAGE DATE:	1/23/90	
ORDINANCE NO.:		

AMOUNT APPROVED AND/OR SPENT
LAST YEAR: (IF APPLICABLE)

REFERENCE NO. 1398
RENTAL OF ROLLER/TRAILER
STREET DEPARTMENT

ITEM	QTY	UNIT	DEEDS		RUDD		MACDONALD	
ROLLER	6	MO	$1,600.00	$9,600.00	$2,200.00	$13,200.00	$1,700.00	$10,200.00
TRAILER	6	MO	$349.00	$2,094.00	$1,050.00	$6,300.00	$200.00	$1,200.00
				$11,694.00		$19,500.00		$11,400.00

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 11-20-89 @ 11:00 AM BID REFERENCE # 1398

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR RENTAL OF ASPHALT ROLLER AND TRAILER FOR THE CITY OF FORT WAYNE STREET DEPT PER SPECIFICATIONS

AND REQUESTED BY CITY OF FT WAYNE STREET DEPT

THIS BID REQUIRES A XXXXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____% IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME DEEDS EQUIPMENT Co. INC

STREET ADDRESS 8015 E. 45TH ST

CITY LAWRENCE, IN PHONE # (800) 841-4028

BY Daniel Brun
REPRESENTATIVE SIGNATURE

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

Bid, Offer or Proposal for Sale or Lease of Materials

(Defined at I.C. 36-1-2-9.5)

(Please type or print)

Date: November 20, 1989

1. Governmental Unit: City of Fort Wayne
2. County: Allen
3. Bidder (Firm): Deeds Equipment Company, Inc.
   Address: 8015 E. 45th Street, P. O. Box 26036
   City/State: Lawrence, Indiana 46226
4. Telephone Number: 545-3331; 800-841-4028
5. Agent of Bidder: (If applicable) Daniel A. Brennan, Vice President

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Daniel A. Brennan

Signature of Bidder or Agent

Daniel A. Brennan, President

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

See Attached

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
MARION COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

DEEDS EQUIPMENT COMPANY, INC.

Bidder (Firm)

Daniel A. Brennan

Vice President

Signature of Bidder or Agent

Subscribed and sworn to before me this 20th day of November, 1989.

My Commission Expires: 10/27/90

Antoinette M. Denny

Notary Public

County of Residence: Marion

Antoinette M. Denny

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members: Date: _____

_____ _____

_____ _____

_____ _____

SPECIFICATIONS FOR RENTAL OF
ROLLER/TRAILER

IT IS THE INTENT OF THIS BID TO RECEIVE PRICES ON THE RENTAL OF ASPHALT ROLLER AND TRAILER FOR THE STREET DEPARTMENT.

LITERATURE MUST BE INCLUDED ON MODEL BID BY YOUR COMPANY.

ALL PRICES MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE CONTRACT.

THERE SHALL BE NO EXTRA CHARGE FOR INSURANCE, LICENSE, OR ANY OTHER MISC CHARGES.

TERM OF AGREEMENT: MAY 1, 1990 THRU OCT. 31, 1990

			COST PER MO	TOTAL COST
6	MO	1 HYSTER MODEL C-350-D ROLLER, 10-14 TON OR EQUAL	$1,600.00	$9,600.00
6	MO	1 TRAILER TO HAUL ABOVE ROLLER	$349.00	$2,094.00

			Description	Unit Price	Amount
			Rental of Ferguson Model 10-14B Roller		
			Per Month For 6 Month Period	$1,600.00	$9,600.00
			Rental of Trailer to haul above roller		
			Per Month For 6 Month Period	$349.00	$2,094.00

No. 1040625

BID BOND TO ACCOMPANY MERCHANDISE PROPOSALS

KNOW ALL MEN BY THESE PRESENTS. That DEEDS EQUIPMENT COMPANY INC

8015 E 45TH ST INDPLS IN 46226

as Principal, and FEDERATED MUTUAL INSURANCE COMPANY as Surety, are held and firmly bound unto

FORT WAYNE STREET DEPT

1705 S LAFAYETTE FORT WAYNE IN 46803

, as Obligee

in the sum of 5% OF THE BID Dollars

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

The condition of this obligation is such that whereas the Principal has submitted the accompanying bid for the following articles: ASPHALT ROLLER AND TRAILER

NOW, THEREFORE, if the bid of the aforesaid Principal shall be accepted by the aforesaid Obligee and the Principal shall faithfully perform the terms and conditions of the accompanying bid as may be required, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed and sealed this 20TH day of NOVEMBER A. D. 1989

DEEDS EQUIPMENT COMPANY INC

Daniel A. Brennan

DANIEL A. BRENNAN, VICE PRESIDENT
Principal

Federated Mutual Insurance Company
Surety

Rebecca Ann Kelm
Attorney-in-fact

AF-19 Ed. 5-70

Printed in U.S.A.

INDIVIDUAL AND CO–PARTNERSHIP ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____ , 19___, before me personally a

_____

to me known to be the person___ described in and who executed the foregoing bond, and acknowledged that ___he_

the same as _____ free act and deed.

(Notarial Seal)

_____

CORPORATE ACKNOWLEDGMENT FOR PRINCIPAL

STATE OF INDIANA)
) ss.
COUNTY OF MARION)

On this 20TH day of NOVEMBER , 19 89 before me appeared

DANIEL A. BRENNAN and _____

to me personally known, who being by me duly sworn, did say that they are respectively _____

VICE PRESIDENT and _____

of DEEDS EQUIPMENT COMPANY, INC., a Corporation; that the seal affixed to the foregoing ins

is the Corporate Seal of the Corporation, and that said instrument was executed in behalf of the Corporation by Au

of its Board of Directors; and they acknowledged said instrument to be the free act and deed of the Corporation.

(Notarial Seal)

Antoinette M

ANTOINETTE M. DEN
MY COMMISSION EXP

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That FEDERATED MUTUAL INSURANCE COMPANY, a Corporation duly organi existing under the laws of the State of Minnesota, and having its principal in the City of Owatonna, State of Minnesota, does hereby constitute and a

Rebecca Ann Kelm of the City of *Owatonna*

of *Minnesota* its true and lawful attorney for the fol purposes:

To sign its name as surety to, and to execute, affix the seal, ackno and deliver any and all surety bonds and penalties not exceeding:

One Hundred Thousand Dollars ($100,000) Each

The execution of such bonds or undertakings in pursuance of these pr shall be binding upon the Company as if they had been executed and acknow by the regularly elected officers of the Company.

This Power of Attorney granted by Federated Mutual Insurance Company terminate when the designee ceases to be:

1) Employed by Federated Mutual Insurance Company or

2) Employed by Federated Mutual Insurance Company in a job for which Power of Attorney is required.

IN WITNESS WHEREOF, the said FEDERATED MUTUAL INSURANCE COMPANY has c this instrument to be signed and its corporate seal to be affixed by its Vice President and Secretary this the *18th* day of *July* 19*89*.

FEDERATED MUTUAL INSURANCE COMPANY

BY _____
First Vice President

(Seal)

and BY _____
Secretary

STATE OF MINNESOTA
COUNTY OF STEELE

On this *18th* day of *July* 19*89* personally appeared before me, the un signed notary public, DONALD RAY HUFF AND F. H. HEISEKE to me person known, who, each being duly sworn by me, did say that they are respectively First Vice President and Secretary of the FEDERATED MUTUAL INSURANCE COM and that the seal affixed to this instrument is the corporate seal of said Cor ation and that this instrument was signed and sealed on behalf of said Corpora by authority of its Board of Directors and said DONALD RAY HUFF AND F. H. HE acknowledge said instrument to be the free act and deed of said Corporation.

(SEAL)

_____

EVELYN KAPLAN
NOTARY PUBLIC - MINNESOTA
STEELE COUNTY
My Commission Expires June 30, 1991

COPY OF RESOLUTION

"BE IT RESOLVED that the President or any Vice President in conjunction with the Secretary is hereby authorized and empowered under the corporate seal of the Company, to appoint any person or persons as attorney or attorneys-in fact, or agent or agents of the Company, in its name and as its act to execute and deliver, anywhere in the United States or Canada, any and all bonds and undertakings of suretyship and other documents that the ordinary course of surety business may require."

"BE IT FURTHER RESOLVED that the Power of Attorney or other document appointing such person or persons as attorney or attorneys-in-fact or agent or agents of the Company may either be personally signed by the President, any Vice President, the Secretary or may be executed by said officers by means of facsimile signatures. The said personal signatures or facsimile signatures shall not require the Company seal or any other seal and shall be valid and binding on the Company if executed either by personal signature or facsimile signature and with or without the Company seal being affixed thereto."

I, the undersigned, hereby certify that I am a First Vice President of the FEDERATED MUTUAL INSURANCE COMPANY, a Corporation duly organized and existing under the laws of the State of Minnesota and that the foregoing is a true and complete copy of the original Power of Attorney given by said Company to:

Rebecca Ann Kelm of *Owatonna, Minnesota*

authorizing and empowering such person to sign bonds as therein set forth, which Power of Attorney has never been revoked and is still in full force and effect.

I further certify that said Power of Attorney was given in pursuance of a resolution adopted at a regular meeting of the Board of Directors of said Company duly called and held at the office of the Company in the City of Owatonna, Minnesota on the 20th day of April, 1982 at which meeting a quorum was present and that the foregoing is a true and correct copy of said resolution, and the whole thereof as recorded in the minutes of the said meeting.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the FEDERATED MUTUAL INSURANCE COMPANY this the 20th day of Nov. 1989.

FEDERATED MUTUAL INSURANCE COMPANY

(SEAL)

First Vice President

DIGEST SHEET

S-90-01-08

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 1398 for the rental of roller and trailer for the Street Department for 1990. The cost reflects the most responsive of three (3) vendors.

EFFECT OF PASSAGE: This will be used to roll asphalt between May 1 through October 31, 1990.

EFFECT OF NON-PASSAGE: Will not be able to roll asphalt for the streets of Fort Wayne.

MONIES INVOLVED: Deeds Equipment $11,694.00 +/-

PRICE AGREEMENT: Yes

PURCHASE ORDER:

SOURCE OF FUNDING: Street Dept 128-128-1201-4374

PRIOR APPROVAL: DATE:
(IF APPLICABLE)

BILL NO. S-90-01-08

Hold Still 1-23-90

REPORT OF THE COMMITTEE ON FINANCE

THOMAS C. HENRY, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
BRADBURY, BURNS, GiaQUINTA

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the awarding of Reference #1398 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and DEEDS EQUIPMENT COMPANY, INC. for the Street Department

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Withdrawn

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 1-23-90.

Sandra E. Kennedy
City Clerk

Read the first time in full and on motion by Henry, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock V .M., E.S.T.

DATED: 1-9-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES				
BRADBURY				
BURNS				
EDMONDS				
GiaQUINTA				
HENRY				
LONG				
REDD				
SCHMIDT				
TALARICO				

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____,

ATTEST SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19___, at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

PAUL HELMKE, MAYOR